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Division of Wyeth, Walter Wardrop, and Michael
McDermott

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (RCC) (DFE)

**DECLARATION OF KIRIT
ROKAD IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

I, Kirit Rokad, declare:

1. I am employed by Wyeth Pharmaceuticals, a Division of Wyeth ("Wyeth") as an Associate Director, Technology Department at Wyeth's Pearl River, New York facility. I make this declaration based on my own personal knowledge.

2. In November 2003, while I was employed by Wyeth as an Associate Director, Manufacturing Engineering, I sought to hire an individual for a Process Engineer position at Wyeth's Pearl River facility. This vacant position was announced through Wyeth's job posting system.

3. The job responsibilities for this position included providing prompt and essential engineering and technical support through the Wyeth Vaccine Manufacturing Engineer Group for Wyeth Vaccine's Production Department. A more complete description of the job responsibilities for this position is found on the Job Description Worksheet for this position, which is attached hereto as Exhibit 1.

4. In hiring for this position, I was seeking an individual who had, among other things, a degree in chemical engineering and who had significant relevant experience, including experience in aseptic processing and biotechnology.

5. Several individuals, including Howard Henry and Angel Montanez, applied for this position. At least three other individuals and I interviewed the candidates for this position, including Howard Henry, and we ultimately selected Angel Montanez for the position because we believed that he was the most qualified candidate.

6. I believed Mr. Montanez was the most qualified candidate for this position for several reasons. First, Mr. Montanez had worked for Wyeth's Vaccine Division in the past, to support the production department so there was a benefit to selecting someone who is familiar with manufacturing processes employed in that Division. Second, Mr. Montanez had significant experience with aseptic processing, as he had worked for Pfizer as an Aseptic Manufacturing Technical Specialist, where he received aseptic processing experience. Finally, Mr. Montanez had a Bachelor of Engineering in Chemical Engineering and was working towards a Masters of Science in Chemical Engineering.

7. I felt that Mr. Montanez was more qualified than Mr. Henry for this particular position. In particular, Mr. Henry did not have the same experience in aseptic processing as Mr. Montanez had, and I felt that this was an important distinction for this

position. In addition, unlike Mr. Montanez, Mr. Henry had not worked in the Vaccines Division, and therefore, I believed that he would be far less familiar with the processes employed in the Vaccine Division. Finally, unlike Mr. Montanez, Mr. Henry had not begun course work for his Masters Degree in Chemical Engineering.

8. At the time I made the decision to hire Mr. Montanez for this position, I had no knowledge, or reason to believe, that Mr. Henry had ever made any complaint of racial discrimination. Moreover, Mr. Henry's race played no role in this hiring decision. I believe that Mr. Montanez's race is Hispanic, and my race is Asian.

9. Executed on October 23rd, 2006 at Pearl River, New York.

I declare under penalty of perjury that the foregoing is true and correct.

Kirit Rokad
Kirit Rokad

10/23/06
Date

Pearl River, NY
Location

III. WORK FLOW

Describe how the incumbent gets the work, the processes (mental/physical) which the incumbent performs to transform the work, the Work output, and what happens to the work once the incumbent has finished

Work will be generated by a request from "customer" or a self initiated corrective action or improvement. Engineer will use scientific and engineering principles to obtain data, identify problems and recommend effective solutions based on analysis of several alternatives. Work will be distributed through one of the following methods:

- 1.) ER – Engineering Request form to plant engineering for design, estimates, etc.
- 2.) Maximo WO – Maintenance Service Requests for repairs/improvements to facility or process equipment.
- 3.) PO – Purchase Order issued to vendor for repair/improvements of equipment or property.

IV. DECISION MAKING

1. Review and analyze problems with various facility and process systems and develop effective solutions.
2. Coordinate building and process systems maintenance and repair with manufacturing/QC to effect timely corrective action. Manage/guide junior engineers, as needed, to coordinate cost effective, realistic solutions.
3. Assist and recommend process improvements, capital budgeting, long range planning items, and preventive maintenance scheduling.

B. Describe the effect the decisions can have on company programs, processes, services, customers or financial results.
Decisions will have a significant impact on production. Coordination is critical to minimize downtime.

Directly impacts manufacture of major products and major R&D programs.

C. Outline the guidelines, practices, or limits which are used in making decisions and which assist in recognizing the limits of authority

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V. SUPERVISION

Since this is not a senior engineering position, it is expected that the engineer will work under the guidance of a supervising engineer. The engineer will respond to all variances in the operation of the building and customer requests with appropriate and immediate action. It is also expected that the engineer recognize his/her own limitations and seek the involvement of his/her supervisor when necessary. The Engineer should update the supervisor on current issues at least daily and as soon as possible when critical issues arise.

VI. BUDGET/ASSET RESPONSIBILITY**A.**

Engineer will be involved in the preparation of capital budgets for serviced departments and together with supervisor responsible for operating budgets for managed buildings.

B.

Administered capital budgets will be directly proportional to the activity in the serviced departments typically M\$5 per engineer per year. Building operating budgets typically range from \$M1-3.

VII. INTERPERSONAL CONTACTS

A. Internal Contacts	Type	Reason for Contact	Frequency
	WL V Prod/QC/ Development	These are main customers. Coordination of Maintenance/Projects involving respective areas.	As needed
	Manuf. Engg. Engineer / Plant Engineers / Facility Supervisors WV Managers	General Project / Corrective Action Implementation/coordination / Daily Facility Operation Project maintenance update, response etc.	As needed As needed
	BSO	Daily input and coordination	As needed
	WV Prod/Research	Analysis of process and coordination of improvement efforts.	As needed

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WV Maintenance Coordination of repairs

**B. External
Contacts**

Vendors Analysis and upgrade / repair of building/process systems, project
control

VII. INGENUITY

Typical situation will be the creative use of available resources or unique solutions to Equipment/Building problems.

IX. PLANNING

Short range planning involves the coordination of repairs and maintenance of equipment and facilities affecting production department.

Long range planning includes the implementation of capital project improvements to the facility and related functions.

X. TRAINING AND EXPERIENCE

1

BS in engineering plus 5 years experience

MS Engineering w/ 3 years experience.

2

Previous biotechnology and experience under cGMP requirement is desirable.

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XI. Total number supervised _____ # exempt _____ nonexempt _____
 Number supervised directly _____ ☒ Check if #'s not yet determined

_____ Employee's Signature Date	_____ Director Level or Above Signature Date
_____ Supervisor's Signature Date	

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